UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,642	02/12/1999	QUAN A. VU	SONY-11300	1161

28960	7590	06/30/2003

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EXAMINER
WILSON, JACQUELINE B

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___*three*___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 16, 2003* _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1, 2, 4-8, and 10-27* _____ is/are pending in the application.

   4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 2, 4-8, and 10-27* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some* c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 05/16/03 have been fully considered but they are not

persuasive. The applicants arguments are substantially the same as previous responses.

The applicant argues that the prior art fails to teach forming x number of first data blocks

each containing n units of data, forming y number of second data blocks each containing m units

of data and combining x number of first data blocks and y number of second data blocks into a

data stream to achieve the predetermined rate. Staats teaches a data stream with a goal of

transmitting 266.973 (266.5) for providing proper synchronization of information. Staats teaches

that within this data stream, 266 packets/frame and 267 packets/frame will be sent, 267

packets/frames is sent more times than 266 packets/frame. In order to achieve 266.973, 267

packets/frame will be send a plurality of times with a jump command including (sometimes) 266

packets/frame. Forming x number of data blocks is interpreted as the number of times 267

packets/frame is present in the data stream and y number of data blocks is interpreted as the

number of times 266 packets/frame is present in the data stream.   The applicant also argues that

the prior art fails to teach evenly distributing the x number of first data blocks among the y

number of second data blocks. Again, the examiner disagrees. In order to produce an IEEE-

1394 serial bus standard, Staats teaches that the NTSC compatibility requires the data stream to

equal 266.973, as discussed above. In order to achieve this data rate, uniformity in the data

stream is inherent in the system of Staats. Staats discloses that after a certain number of x data

blocks (267) are present in the data stream, a jump command includes the y data block (266) into

the stream. Therefore, to maintain a proper stream, uniformity of the data blocks must be

present. Since the data stream is not restricted to a time period, over time the data stream will

eventually repeat itself, thereby producing an evenly distributed data stream of x and y data

blocks. For example, if x=10 and y=2, and the stream repeats itself, the data stream would

represent 1-1-1-1-1-1-1-1-1-1-2-2 (wherein 1= 267 packets/frame and 2= 266 packets/frame).

Over the time period of one hour, the above sequence will repeat a plurality of times. This is

interpreted as distributing y data blocks among the x data blocks. Therefore, the examiner

maintains her rejections below.

Claim Rejections - 35 U.S.C. § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

3.   Claims 1-20, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Staats

(US 6,373,821).

Regarding Claim 1, Staats'821 teaches transmitting information from a source device at a

predetermined rate comprising forming x number of first data blocks wherein each of the first

data blocks contains n units of data (267 packets/frame; col. 6, lines 7+), and forming y number

of second data blocks wherein each of the second data blocks contains m units of data (266

packets/frame) wherein m is not equal to n. Staats'821 further teaches that each data stream

contains these data packets in which 267 packets/frame of data is transmitted and sometimes 266

are need to be transmitted. This inherently teaches combining x number of first data blocks and y

number of second data blocks into a data stream to achieve the predetermined rate, wherein the

first data blocks and the second data blocks are of a same type and have the same characteristics

(video data). As for the limitation of the x number of first data blocks are evenly distributed

among the y number of second data blocks, the examiner believes Staats teaches this concept. In

order to produce an IEEE-1394 serial bus standard, Staats teaches that the NTSC compatibility

requires the data stream to equal 266.973, as discussed above. In order to achieve this data rate,

uniformity in the data stream is inherent in the system of Staats. Staats discloses that after a

certain number of x data blocks (267) are present in the data stream, a jump command includes

the y data block (266) into the stream. Therefore, to maintain a proper stream, uniformity of the

data blocks must be present. Since the data stream is not restricted to a time period, over time

the data stream will eventually repeat itself, thereby producing an evenly distributed data stream

of x and y data blocks.

Regarding Claim 2, Staats'821 teaches transmitting the data stream from the source device at the predetermined rate (col. 10, lines 57+ teaches the host is programmed to begin transmission of data at a desired cycle).

Regarding Claim 4, Staats'821 teaches digital video data (col. 3, lines 30-33).

Regarding Claim 5, Staats'821 teaches n, m, x, and y are integer values (x and y are each frame, and n and m are 266 and 267).

Claim 6 is analyzed and discussed with respect to Claim 1 (source and receiving devices are the host computer and camera).

Claim 7 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

· Claim 8 is analyzed and discussed with respect to Claim 2 with the further limitation of the data stream conforming to the standards of an IEEE 1394-1995 network (col. 3, lines 24+).

Claim 10 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Regarding Claim 11, Staats'821 teaches the source and receiving device are coupled together within a network (see fig. 1).

Claim 12 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 13 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 14 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Regarding Claim 15, Staats'821 teaches an interface coupled to the controller and configured for connecting to a network (fig. 1, 12).

Claim 16 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 17 is analyzed and discussed with respect to Claim 1. (See rejection of Claim 1 above.)

Claim 18 is analyzed and discussed with respect to Claim 5. (See rejection of Claim 5 above.)

Claim 19 is analyzed and discussed with respect to Claim 6 (see also col. 8, lines 15-16). (See rejection of Claim 6 above.)

Claim 20 is analyzed and discussed with respect to Claims 6 and 19 . (See rejection of Claims 6 and 19 above.)

Claim 23 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim 24 is analyzed and discussed with respect to Claims 6 and 11. (See rejection of Claims 6 and 11 above.)

Claim 25 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

Claim Rejections - 35 U.S.C. § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 21-22, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Staats'821.

Regarding Claim 21, Staats'821 does not specifically disclose the predetermined rate is

29.97 frames per second. However, it is notoriously well known in the art to transmit signal

conforming to standard television signals (29.97 frames per second). By performing this method

allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to

one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Regarding Claim 22, Staats'821 teaches the x packets represent 267 packets and the y

packets represent 266 packets as discussed in Claim 1, but fails to specifically disclose the

plurality of second frames are 9336 frames and the plurality of second frames are 664 frames.

However, this is an obvious matter of design choice by the manufacturer at the time of

production to manufacture such values with respect to the transmission scheme, for it does not

change the scope of the invention.

Claims 26 and 27 are analyzed and discussed with respect to Claims 1 and 8. Although

Staats'821 teaches 267 packets and 266 packets as discussed in Claim 1, Staats'821 fails to

specifically disclose the first frames are 9336 frames and second frames are 664 frames. However, this is an obvious matter of design choice by the manufacturer at the time of production to manufacture such values with respect to the transmission scheme, for it does not change the scope of the invention.

Furthermore, Staats'821 does not specifically disclose the predetermined frame rate is 29.97 frames per second. However, it is notoriously well known in the art to transmit signal conforming to standard television signals (29.97 frames per second). By performing this method allows for images to be seen on a monitor desirably. Therefore, it would have been obvious to one having ordinary skill in the art to have the predetermined rate to be 29.97 frames per second.

Conclusion

6.   Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday (alternate Fridays off) from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703)872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

.or Faxed to:

> (703) 308-9051, (for formal communication intended for entry)

or:

> (703) 872-9314, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, V.A., Sixth Floor (Receptionist).

JBW

June 27, 2003

WENDY R GARBER
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